

PROBATE CALENDAR NOTES

June 19, 2020

8:30 a.m., Department 40

Placer County Superior Court

All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:

Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties.


These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **June 19, 2020, 8:30 a.m., in Department 40**, Commissioner Michael A. Jacques, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

1. S-PR-0008239 Kendall, Norman R; In re the estate of

Appearance is required for continued hearing on petition to remove personal representative and for other relief.

Current status is needed.

 As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

2. S-PR-0009279 Delores A Keary Rev Trust; In re the

Appearance is required for status hearing.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

3. S-PR-0009445 Happ, Susan A.; In re the estate of

It is recommended administration continue and the next estate status hearing be set January 8, 2021, 8:30 a.m., in Department 40.

4. S-PR-0009627 Busby, Susan - In Re Estate of

Petition for final distribution is recommended for approval as prayed.

5. S-PR-0009667 Alaskin, Mary Jane - In Re Estate of

Petition for final distribution is recommended for approval as prayed.

6. S-PR-0009792 Darrell Spence Fam Trust; In re the

Appearance is required for continued status / trial setting hearing. Appearance is required for continued hearing on second amended trust petition.

Current status is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

7. S-PR-0009900 Oppenheim, Maurice - In re the Estate of

Missing notice of hearing and service of notice of hearings to all beneficiaries of decedent's inter vivos trust, Prob.C. § 1208(b).

8. S-PR-0010011 Skala Fam Trust; In re the

Appearance is required for continued hearing on petition to remove trustee and compel trustee account.

Response by co-trustee Robert Patton is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's

office for information.

9. S-PR-0010038 Paul L Sidebottom Trust; In re the

This matter is dropped from calendar pursuant to the stipulation previously filed.

10. S-PR-0010054 Sivertson, Kimberly Kay Kendall - In Re Estate of

Petition to administer estate (Kendall)

Appearance is required for continued hearing on petition to administer estate.

Court determination is needed: petitioner requests bond be imposed in an amount to be determined.

Spousal property petition (T Sivertson)

Appearance is required for continued hearing on spousal property petition.

Request for return of property invokes Prob.C. § 850, requiring notice in conformity with Prob.C. § 851, including subdivision (c).

Attachment 7a includes insufficient descriptions of most property (i.e., "all personal property," unidentified "Wells Fargo . . . accounts"). Any property subject to the petition must be described with sufficient particularity that the court may adjudicate the petition and, if appropriate, enter judgment determining succession.

Real property description is insufficient: petitioner apparently characterizes the real property as community property. Any description in Attachment 7a must be limited to decedent's undivided 1/2 community interest.

Amended petition to administer estate (T Sivertson)

Appearance is required for hearing on amended petition to administer estate.

Missing notice of hearing on amended petition. Missing service and publication of notice of hearing on amended petition. New notice, service, and publication are required for amended petition, C.R.C. 7.53.

Missing signed Duties form (DE-147) from proposed personal representative. Clerk cannot issue letters until signed form is filed. C.R.C. 7.150.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

11. S-PR-0010133 Vera E Butler Liv Trust; In re the

Petition to determine trust property and appoint successor trustee is recommended for approval as prayed.

12. S-PR-0010142 Riesco, Mario ; In re the Matter of

Missing 15 days' personal service of notice of hearing with the copy of the petition to respondent Transamerica. Prob.C. § 4544(b). Notice of hearing is to be served in the same *manner* as a summons, but a summons may not be used as it does not provide "notice of the time and place of the hearing." *Id.*

13. S-PR-0010149 Anderson Rev Liv Trust ; In re the

Petition to modify irrevocable trust is recommended for approval as prayed.

14. S-PR-0010150 Smull Fam Rev Trust ; In re the

Appearance is required for hearing on petition to compel trustee account and for instructions to trustee to distribute assets.

Response by trustee Bill G Smull is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

15. S-PR-0010155 Sadek, Zakie - In Re the Estate Of

Missing notice of hearing. Missing service of notice of hearing. Petitioner offers no basis to waive notice.

Missing proof of publication. Where IAEA powers are requested, publication is required. Prob.C. §§ 10405, 8545(a) & 8003.

Clarification is needed: C.C.P. § 377.32 is used by a successor in interest where no estate administration is pending. C.C.P. § 377.32(a)(3). It is unclear how this section could be used by a special administrator.

16. S-PR-0010157 Rev Trust Agr of Lloyd R Ashmead & Phyllis S Ashmead; In re the

Appearance is required for hearing on petition to determine trust terms and to appoint successor trustee.

No response appears to have been filed to the petition.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

17. S-PR-0010161 Macormac, Carolyn M, - In re the Estate of

Petition to administer estate is recommended for approval as prayed.

18. S-PR-0010162 Dubin, David Brown - In re the Estate of

Notice of hearing as filed, served, and published omits required ¶ 5 concerning IAEA powers.

19. S-PR-0010199 Martin, Ivan Dale ; In re the Estate of

Petition to administer estate is recommended for approval as prayed.

Note: clerk cannot issue letters until signed Duties form (DE-147) is filed. C.R.C. 7.150.